

9/1/78
INTERNATIONAL RESCUE COMMITTEE

285 PARK AVENUE SOUTH

BUENOS AIRES Mail c/o:

NEW YORK, N. Y. 10016

DEPARTMENT OF STATE

(212) 675-0010

WASHINGTON, D. C. 20520

-42 TO: ACVA for circulation
FROM: Frank Azevedo

DATE: 1 September, 1978

SUBJECT: Trip to Montevideo August 28-29

BB198

Dear Friends,

Following are my findings after two days of talks with various sources in Montevideo:

Brief Background on Uruguayan Detainees

The GOU (Government of Uruguay) had crushed the Tupamaro movement by 1973. In 1974 it began arresting members of what it considered to be "subsidiary" groups, primarily political parties which had joined together to form the Frente Amplio. Most political parties in Uruguay belonged to the Frente Amplio. In February 1978, the GOU admitted to having 2,366 political prisoners. (My sources cited figures ranging from 1,800 to 2,500.) The majority of current detainees were arrested during 1975-1977.

Many of the persons arrested were charged with membership in an illegal political party. It should be noted that laws prohibiting these parties were applied retroactively.

Contrary to the situation in Argentina, most detainees in Uruguay have been sentenced. However, the situation of detainees in Uruguay is not without its ironic aspect. Most Tupamaro terrorists were arrested and sentenced before 1974. They were sentenced under the civil code, which dictated light sentences even for serious crimes. Persons sentenced after 1974 tended to be sentenced under the military code, which had been expanded to cover their cases. The military code dictates very harsh sentences. There are many examples of proven Tupamaro terrorists sentenced under the civil code who have lighter sentences than persons sentenced under the military code for nothing more than membership in an outlawed political party.

Disappearances

Unlike the situation in Argentina, there are apparently no vigilante groups active in Uruguay. After 6 months, disappeared persons generally reappear as detainees.

Releases

Some detainees have been released, but usually only after completing their sentences. Persons guilty of serious crimes frequently continue to be detained even after completing their sentences, however. Indeed, there have been cases of persons who, upon completing their sentence under the civil code, are then sentenced under the military code. The reverse does not seem to occur.

Prisoners must pay for their food and lodging. In theory, a prisoner is not released until his jail bills are paid. In practice, prisoners are frequently released 6 months after demonstrating their inability to pay.

(See also section on CIME below.)

LOT 81F93

(7/7) 52/52

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

() Release () Excise () Deny

Exemption(s):

Declassify: () In Part () In Full

() Classify as () Extend as () Downgrade to

Date Declassify on Reason

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SUBJECT: Trip to Montevideo (2)

Post-release

Ex-detainees are generally blacklisted, and have extreme difficulty in finding jobs. None of my sources could comment on the number of ex-detainees who consequently seek refuge in neighboring countries. I continue to investigate this matter.

Prospects for Uruguayan detainees under the 500 Program

All my sources agreed that very few of the 2,366 detainees would be eligible for our parole program. The vast majority of the detainees seem to have either Tupamaro or Communist backgrounds, or affiliations with the aforementioned or with other groups which would similarly be considered undesirable by the U.S. Government.

The diplomatic community in Montevideo

About a dozen embassies meet approximately every 6 weeks to discuss human rights in Uruguay. The meetings are very informal. The chairmanship rotates. Meetings occur on 2 levels, amongst ambassadors, and amongst their staffs. Participants include the following: Austria, Germany, Italy, Sweden, Spain, Great Britain, U.S., Holland, Belgium, and UNDP. France and Canada do not participate.

CIME

The Montevideo office, staffed by Director Guillermo Cruz Duque and one assistant, has moved 180 cases - 100 in 1977, and 80 thusfar in 1978. Most have been family reunification cases, under UNHCR auspices, where the head of family was an asylum case abroad, usually in Sweden, France, or Holland.

About 40 of the 180 cases have been detainees. In these cases, the initiative has almost always been taken by the GOU. There is no right of option under the Uruguayan Constitution as there is under the Argentine Constitution, nor does the GOU have a formal detainee release program as does the GOA. Nevertheless, some detainees are being released, albeit slowly, provided they have visas from foreign countries. The procedure is as follows: The detainee is informed verbally that he will be released if he can obtain a visa from a foreign country. His relatives then begin contacting foreign embassies. Once a visa is issued, the embassy contacts CIME, asking it to implement travel. These embassy-to-CIME communications are in the form of carefully written letters. Again, most visas have been issued by Sweden, France, and Holland. After this procedure had been in operation for some time, action in a small number of cases originated with the detainee's relatives inquiring with Uruguayan authorities whether a visa from a foreign country would facilitate the detainee's release.

CIME has had good cooperation from the GOU in both its family reunification and detainee activities. Of course, CIME is merely facilitating a process begun by the GOU itself.

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SUBJECT: Trip to Montevideo (3)

CIME currently has 18 active cases, most with visas from Sweden. I did not ask Mr. Cruz Duque to break down this total into family reunification and detainee cases, however.

Finally, due to the poor state of the Uruguayan economy, CIME's regular immigration work in Uruguay is almost nil.

Refugees in Uruguay - Brief Background

Prior to May 1977, operations for the resettlement abroad of refugees, mostly Chileans and a few Argentines, escaped almost completely the attention of the Uruguayan police. In May 1977, a group of Argentines occupied the UNDP offices, attracting the attention of the police. Since then, refugees have been required to register with the police. The men, whenever they are the principal, are detained immediately. The police claim that this practice allows them to better protect the refugees. Indeed, refugees detained by the police have not disappeared, nor have they been mistreated. Furthermore, they have ample visiting privileges. However, this registration requirement has resulted in few refugees electing to remain in Uruguay. Instead, upon learning of this requirement, most refugees continue on to Brazil. Only 3 cases have remained since May 1977.

VOLAGS in Uruguay

They do not seem to exist. Nor are the churches active. There is an Ecumenical Movement, but it consists of 2 individuals rather than religious organizations. They are Maria Teresa Aiscar, a member of the Methodist Church, and a Catholic nun who assists her. I met only Maria Teresa. She has been working with refugees since 1974. She is a child welfare worker with the GOU civil service, but will retire from that job soon. She works out of a Methodist church. I found her to be very competent and knowledgeable. Kevin Lyonette of UNHCR is extremely pleased with her work in support of the refugees and UNHCR.

Current caseload

Maria Teresa currently has 2 refugee cases and 5 family reunification cases. Both refugee cases, one Argentine and one Brazilian, are under consideration by the US Consulate. The Argentine case is also being considered by the Swedish Embassy. (See below - cases before US Consulate.)

Some of the family reunification cases have not been allowed to leave despite having visas from the countries where the principals reside. One such case is that of a woman, kidnapped in Argentina and returned to Uruguay. Her husband and children subsequently left Argentina for France. Although she too has a French visa, she has been unable to leave Uruguay.

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TO: _____ DATE: _____
FROM: _____ SUBJECT: Trip to Montevideo (4)

Another interesting case was that of an Argentine refugee family now resettled in Sweden. (Their case had also been presented to the US Consulate, but Sweden accepted the family before the U.S. got very far with its processing.) Though the family had visas from Sweden, the GOU would not let the family depart for Sweden from Uruguay. In the end, the family made its way to Brazil from where it departed for Sweden.

Assistance to refugees transiting Uruguay

As explained above, refugees do not remain in Uruguay for mandating due to their fear of subsequent detention by Uruguayan police. Since they are not mandated until they reach Brazil, UNHCR cannot provide any financial assistance to them while they are transiting Uruguay. As for the Methodist Church, it has no allotted funds for refugee assistance.

Cases under consideration at the US Consulate

Maria Teresa stated that in the past many refugees inquired about resettlement in the U.S. However, at the time they expressed their interest, the US had no program operating in Uruguay. Now that a program exists, there are few refugee cases in Uruguay.

This year, UNHCR sent our Embassy a list of 12 potential cases. Subsequently only 2 of those, both Argentines, were formally presented to the Embassy. As stated above, one of those was shortly afterward accepted by Sweden. The Brazilian case currently on file at the US Embassy is a mandate refugee, but appeared at the Embassy on his own. His case was not formally presented by UNHCR.

Both of the cases currently on file with the Embassy have been sent to Washington. However, information in both cases is not yet complete. Indeed, the Brazilian was to be reinterviewed on August 29, because of derogatory information which came to light when the security checks were returned.

The Argentine case is complete except for information requested from the Argentine authorities by the Embassy in BA. The Argentines are dragging their feet. For INS/CO to authorize parole without this information would require a leap of faith. The case was sent to Washington by the Embassy in Montevideo on June 30. It was recommended for approval. A follow-up cable was sent in mid-August when all checks, except those with Argentine authorities, were completed. The completed checks were all negative. In the mid-August cable the Embassy reiterated its positive recommendation.

Following is a brief bio on the family (I did not see them):

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Channel: n/a

ARMY'S DETAINING THESE PERSONS WAS THE FAILURE
THEIR RELATIVE, CESAR RAUL MOCHON, TO MAKE A PROMISED
PAY OFF TO GOVERNMENT OFFICIALS AND INSTEAD FLEEING TO URUGUAY AND
LATER TO THE UNITED STATES. (SEE REFTTEL). DR. CESAR RAUL
MOCHON IS PRESENTLY RESIDING AT [REDACTED]

HE HAS BEEN EXTREMELY ACTIVE
ON BEHALF OF HIS RELATIVES AND UNDOUBTED KNOWS OF THE
PEN REMOVAL ACTION. RELATIVES HERE HAVE INFORMED
EMBASSY THAT MOCHON AND FAINZAIG HAVE NOT BEEN
RELEASED, BUT FAMILY IS HOPEFUL THAT RELEASES
WILL TAKE PLACE IN NEAR FUTURE.
CASTRO

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